



PRESENT:

Mr. Russell J. Gulley, Chairman
Mr. F. Wayne Bass, Vice Chairman
Dr. William P. Brown
Mr. Sam R. Hassen
Mr. Reuben J. Waller, Jr.
Mr. Kirkland A. Turner, Secretary to the Commission,
Planning Director

ALSO PRESENT:

Mr. Glenn E. Larson, Assistant Director, Plans
and Information Section, Planning Department
Ms. Barbara Fassett, Planning Administrator, Advance Planning
and Research Section, Planning Department
Mr. James K. Bowling, Principal Planner, Advance Planning
and Research Section, Planning Department
Mr. Steven F. Haasch, Principal Planner, Advance Planning and
Research Section, Planning Department
Mr. Zachary Mayo, Planning Data and Geographic Analyst,
Advance Planning and Research Section, Planning Department
Ms. Pamela Nichols, Clerk to the Planning Commission,
Planning Department
Ms. Lisa Caudill, Administrative Assistant, Administration
Section, Planning Department
Mr. Richard M. McElfish, Director,
Environmental Engineering Department
Mr. Scott Flanigan, Water Quality Manager,
Environmental Engineering Department
Mr. R. John McCracken, Director,
Transportation Department
Mr. Steven E. Simonson, Senior Engineer,
Transportation Department
Mr. Jesse Smith, Senior Engineer,
Transportation Department
Chief Stuart Dalton, Battalion Chief, Fire and
Emergency Services, Fire Department
Deputy Chief Jim Graham, Fire Administration Manager
Fire and Emergency Services, Fire Department

I. INVOCATION.

Mr. Hassen presented the invocation.

II. PLEDGE OF ALLEGIANCE TO THE FLAG OF UNITED STATES OF AMERICA.

Mr. John McCracken led the Pledge of Allegiance to the Flag.

III. REQUESTS TO POSTPONE ACTION, EMERGENCY ADDITIONS OR CHANGES IN THE ORDER OF PRESENTATION.

Mr. Gulley apprised the Commission of the proposed changes to the agenda. On motion of Mr. Bass, seconded by Mr. Hassen, the Commission amended the agenda as follows:

IV. Review Meeting Procedures.

V. Citizen Comment on Unscheduled Matters Involving the Services, Policies and Affairs of the County Government regarding Planning or Land Use Issues.

VI. *Public Facilities Plan Amendment.*

VII. Amendment to the *Upper Swift Creek Plan* Amendment and Amendments to the Thoroughfare Plan.

VIII. Code Amendments Relative to Protecting Water Quality in the *Upper Swift Creek Watershed* (LID).

IX. Code Amendments Relative to Protecting Water Quality in the *Upper Swift Creek Watershed* (Mass Grading)

X. Code Amendments Relative to Protecting Water Quality in the *Upper Swift Creek Watershed* (Tree Save)

XI. Citizen Comment on Unscheduled Matters Involving the Services, Policies and Affairs of the County Government regarding Planning or Land Use Issues.

XII. Adjournment.

AYES: Messrs. Gulley, Bass, Brown, Hassen and Waller

IV. REVIEW MEETING PROCEDURES.

Mr. Turner reviewed the meeting procedures.

V. CITIZEN COMMENT ON UNSCHEDULED MATTERS INVOLVING THE SERVICES, POLICIES AND AFFAIRS OF THE COUNTY GOVERNMENT REGARDING PLANNING OR LAND USE ISSUES.

There were no citizen comments.

VI. PUBLIC FACILITIES PLAN AMENDMENT.



An amendment to The Public Facilities *Plan*, part of the Plan for Chesterfield, the County's Comprehensive Plan which is used by County citizens, staff, Planning Commission and Board of Supervisors as a guide for future decisions affecting the County including public facilities, land use, road networks and zoning actions. The Plan area includes all of the County and provides general criteria for determining the number, location and timing of public

facilities including fire and rescue, police, libraries, parks and public recreation, schools, transportation needs, jails, government, county airport, solid waste disposal, fleet, waster and wastewater, and telecommunications. The specific text, locations, locational criteria, number of public facilities, and timing criteria set forth in the Plan may be included in the discussion. After the public hearing, appropriate changes or corrections may be made to the proposed amendment.



Mr. Steve Haasch presented an overview of the goal, purpose and scope, key objectives and the proposed timeline for development of the *Plan*. He noted that county staff was present to address any questions and concerns relative to the *Plan*.

Mr. Gulley opened the floor for public comments.

Mr. Will Shewmake, Midlothian resident, asked the Commission to adopt the recommendation of the Department of Parks and Recreation relative to LOS information, site selection criteria and acquisition targets.

Mr. Brennan Keene, attorney representing telecommunication companies, voiced concerns relative to citizens' inability to view the updated *Plan* before the public hearing and whether the *Plan* would include the interchange between Meadowville Road and Interstate 295.

Mr. Andy Scherzer, engineer, felt the county's proposed site criteria was in excess of the amount of space needed to build new libraries and asked the Commission to reconsider lowering the site acreage criteria.

There being no one else to speak, Mr. Gulley closed the public comments.

On motion of Mr. Bass, seconded by Mr. Hassen, the Commission resolved to close the public hearing and to defer the *Public Facilities Plan Amendment* to the June 17, 2008, Planning Commission work session.

Mr. Gulley requested that staff attach the Background Information Report as Appendix B to the *Plan* for discussion at the June 17, 2008 work session.

AYES: Messrs. Gulley, Bass, Brown, Hassen and Waller

VII. AMENDMENT TO THE UPPER SWIFT CREEK PLAN AMENDMENT AND AMENDMENT TO THE THOROUGHFARE PLAN.



An amendment to the adopted Upper Swift Creek Plan amendment, part of the Plan for Chesterfield, relating to land use and economic development, levels of service for roads, schools, and public safety, and water quality, and an amendment to the Thoroughfare Plan, part of the Plan for Chesterfield, to include two potential alignments for the Powhite Parkway Extension where it crosses Genito Road.

The Upper Swift Creek Plan amendment area is generally bounded to the north by properties along Midlothian Turnpike, County Line Road, Mount Hermon Road, Old Hundred Road, Otterdale Road, Charter Colony Parkway, Route 288 and Lucks Lane; to the south by properties along Hull Street Road, Baldwin Creek Road, Beach Road, West Hensley Road, Spring Run Road and Bailey Bridge Road; to the east by properties along Route 288; and to the west by properties along Moseley Road, Genito Road and the Chesterfield County/Powhatan County boundary. This amendment to the Upper Swift Creek Plan amendment, if adopted by the Board of Supervisors, will become part of

The Plan for Chesterfield, the County's comprehensive plan. The Plan for Chesterfield is used by County citizens, staff, the Planning Commission and Board of Supervisors as a guide for future decisions affecting the County including, but not limited to, decisions regarding future land use, road networks and zoning actions. The majority of the Plan area is contained within the Matoaca Magisterial District, with small portions of the Plan area located in the Clover Hill and Midlothian Magisterial Districts. The Plan does not rezone land, but suggests Ordinance amendments and other actions. This amendment to the Upper Swift Creek Plan amendment is an update and a refinement of the current adopted Upper Swift Creek Plan amendment.

Proposals for Land Use: Recommendations for areas currently designated for Residential (2.0 or less dwelling units per acre) are as follows: denial of rezoning if it does not adequately mitigate its impact on infrastructure and public facilities; permitting mixed use communities designed to encourage integration of residential, commercial, public and semi-public uses, subject to conditions that promote neighborhood viability; and permitting additional uses that enhance or expand the county's economic base, subject to conditions that mitigate the impacts of such uses on surrounding residential neighborhoods. Recommendations for the entire Plan geography include preserving identified resources from new development through a Countywide purchase of development rights program, and adoption a Growth Management Boundary for the western portion of the Upper Swift Creek Plan amendment geography.

Proposals relating to level of service standards for roads: All rezoning applications are expected to pass a test for Adequate Road Facilities. A proposed rezoning does not pass the test for Adequate Road Facilities if the nearest major road and/or existing signalized intersection that will carry the majority of the traffic expected to be generated by the future development on the property proposed to be rezoned will have a Level of Service ("LOS") of "E" or "F". The LOS shall be determined by the Chesterfield Department of Transportation or designee based on current traffic studies and other reliable traffic data. Further, a proposed rezoning will pass the test for Adequate Road Facilities only if roads to be impacted by the proposed development have adequate shoulders, or where roads with inadequate shoulders are carrying, or are projected to carry, less than 4,000 vehicles per day.

Proposals relating to level of service standards for schools: All residential rezoning applications are expected to pass the test for Adequate School Facilities. A proposed residential rezoning will pass the test for Adequate School Facilities if all public elementary, middle and high schools that would serve the future development on the property proposed for residential rezoning currently have adequate capacity to accommodate additional students to be generated by the proposed rezoning. Schools shall be responsible for determining 1) the current enrollment for each school; 2) the capacity of each school; and 3) the anticipated impact of the proposed development based on the maximum number and type of residential dwelling units or lots, including proffers for limited or delayed development. If any of the applicable public schools which would serve the future residential development on the subject property exceed 120% of capacity at the time of the review of the subject rezoning request, the proposed rezoning does not pass the test for Adequate School Facilities. In addition, the proposed rezoning will not pass the test for Adequate School Facilities if the anticipated enrollment at any school to serve the subject rezoning will exceed 120% of capacity upon the development of 1) the property proposed for rezoning; and 2) all unimproved residential lots in the service area shown on approved preliminary site plans, preliminary subdivision plans and construction plans. When the capacity of any public school in the service area is determined to exceed 120% under the conditions described above, and where such school is expected to be improved so that its capacity will fall below 120% within one year of the date that the Board of Supervisors is scheduled to consider the subject rezoning request, the residential rezoning will pass the test for Adequate School Facilities.

An alternative proposal relating to level of service standards for schools includes: administering the legal attendance requirements; maintaining attendance zones and when necessary, making adjustments to relieve overcrowding of facilities, minimizing disruptions to families and communities whenever possible; building new facilities or additions to existing facilities when no other viable solutions exist to address overcrowding; making facility decisions considering current overcrowding and anticipated future growth; maximizing use of existing space; providing viable instructional

alternatives for students and their families; and acquiring sites in advance of development to secure optimal locations and minimize costs.

Proposals relating to level of service standards for Fire and EMS: The level of service indicators for Fire and EMS are response time and response reliability. The level of service indicator used by the department is response time to Priority 1 (life-threatening) incidents for Fire and EMS services. The department's goal is to respond to 90 percent of these incidents in the urban corridor within six (6) minutes. The urban corridor contains at least 90 percent of department's total calls for service, and 90 percent of the county's population. Areas outside of the urban corridor are typically rural areas requiring greater travel time for emergency response.

Proposals with respect to water quality include: future adoption of modifications to post-development phosphorus load standards, if needed; implementing stormwater mitigation and water quality standards applicable at time of subdivision or site plan approval; developing measures to ensure new development and the activities of both residential and commercial uses reduce their impacts on natural systems; requiring a natural resource inventory which identifies resources that may be adversely affected by development; developing regulations to permanently protect natural resources, that minimize land disturbance during construction and that preserve existing vegetation; developing site design standards and practices that minimize land disturbance and impervious cover, and preserve existing vegetation; promoting pollution prevention practices, source control measures and reduction of impervious areas; adopting amendments to promote low impact development planning and practices and promoting retrofits for existing stormwater pollutants loads.

This plan may also consider proposals and recommendations for: adopting a transfer of development rights program or strategy; adopting an affordable housing program or strategy; encouraging clustering within mixed use communities; deferral for the maximum time allowed by law of rezoning if it does not adequately mitigate its impact on infrastructure and public facilities; and identifying measures to ensure that developments along forested corridors preserve existing forested vistas adjacent to, but outside the ultimate rights of way, of area roads.



Mr. Jimmy Bowling presented the amendments to the *Upper Swift Creek Plan Amendment* relative to water quality, levels of service for roads, schools and public safety, land use and economic development; as well as related ordinances, to include an overview of the events leading to the current meeting. He noted county staff was present to address questions and concerns related to any of the amendments under review.

Chief Stuart Dalton responded to questions relative to level of service standards for Fire and EMS.

Dr. Brown exited the meeting at 7:56 p.m.

Dr. Brown returned to the meeting at 8:02 p.m.

Mr. John McCracken made a brief presentation and responded to questions from the Commission on safety considerations for roads; the alignment of Powhite Parkway with Genito Road; and proposals relating to level of service standards for roads.

Mr. Scott Flanigan presented proposed modifications and additions to the current *Plan* affecting three categories of the *Environmental Quality Section* relative to promoting pollutant load standards for different land use developments; promoting development standards that minimize urban stormwater pollutants; and providing protection to critical natural features within the Watershed.

Recessed at 9:15 p.m.

Reconvened at 9:25 p.m.

Mr. Gulley opened the floor for public comments.

Mr. Dave Anderson, developer, expressed concerns relative to the *Plan* process; that the public's confidence had been adversely affected by the process; and that significant consideration should be given to the benefits of open space versus reducing density to protect water quality.

Messrs. Tom Pakurar, James Shelton, Dr. Betty Hunter-Clapp and Ms. Norma Sucall expressed concerns relative to the process and suggested that the Commission recommend reducing phosphorous limitations to 0.16 pounds per acre per year for residential development. Further, they requested that the LOS standards be adopted for the *Plan* area with further study for Countywide implementation.

Messrs. Michael K. Brandon and Vick Humphrey opposed the growth management boundary.

Mr. Joel Brandon requested that one (1) plan be developed; that adequate measures be taken to protect the reservoir; and that LOS standards be adopted Countywide.

Mr. Will Shewmake requested that the Community Mixed Use designations in the *Plan* be amended to allow for innovative projects; that the water quality standards be evaluated in more depth by the development community; that the forebays of the reservoir need to be maintained; and that the LOS standards need more study.

Messrs. Andy Scherzer, Tommy Balzer and Bob Shaffer indicated goals of the *Plan* are commendable; however, they expressed concerns relative to the growth management boundary indicating that infrastructure to support growth is provided by the development community through improvement or cash proffers. They also expressed concerns relative to the impact of increased standards, such as additional buffers, on the development community.

Mr. Mark Huffman expressed concerns that the requirements relative to reduction in impervious areas would adversely impact economic development.

There being no one else to speak, Mr. Gulley close the public comments.

The Commission reviewed each of the Proposed *Plan* amendments. A summary of the Commission's recommendations is set forth below:

COMMISSION RECOMMENDATIONS – UPPER SWIFT CREEK PLAN AMENDMENT

Land Use Goal 2 (Promote economic development opportunities) and Recommendation A. (Employment Generating Uses). There was a consensus among the Commission to maintain this Goal and Recommendation A. with the modifications as drafted.

Land Use Goal 4: Recommendation B (Forested Views). Messrs. Gulley, Brown, Hassen and Waller did not support increasing buffer along arterial roads, and therefore did not support the changes to Recommendation B. Mr. Bass supported the changes to Recommendation B. The recommendation was to delete the changes to Recommendation B. from the *Plan*.

Land Use Goal 6 (Preserve identified resources from new development through a Countywide purchase of development rights program) and Recommendation A. (Purchase of Development Rights Program:). Messrs. Gulley, Brown, Hassen and Waller did not support this Goal and Recommendation A. noting that a purchase of development

rights initiative has countywide implications and should be considered in conjunction with the Countywide Plan. Mr. Bass supported this Goal and Recommendation A. The recommendation was to delete this Goal and Recommendation A. from the *Plan*.

Land Use Goal 7 (Promote orderly development patterns). Messrs. Gulley, Bass, Brown and Hassen supported this Goal but noted that orderly growth should be explored and encouraged on a countywide basis. Mr. Waller did not support this Goal. The recommendation was to maintain the Goal as drafted.

Land Use Goal 7: Recommendation A. (Growth Management Boundary). Messrs. Gulley, Brown, Hassen and Waller did not support Recommendation A. noting that growth management has countywide implications and should be considered in conjunction with Countywide *Plan*. Mr. Bass supported Recommendation A. The recommendation was to delete Recommendation A from the *Plan*.

Land Use Goal 8 (Preserve identified resources from new development through a Countywide transfer of development rights program) and Recommendation A (Transfer of Development Rights Program). Messrs. Gulley, Brown, Hassen and Waller did not support this Goal and Recommendation A. noting that the transfer of development rights program has countywide implications and should be considered in conjunction with Countywide *Plan*. Mr. Bass supported the Goal and Recommendation A. The recommendation was to delete this Goal and Recommendation A from the *Plan*.

Land Use Goal 9 (Encourage affordable housing through a countywide affordable housing program). There was a consensus among the Commission to delete this Goal from the *Plan*.

Land Use Goal 9: Recommendation A. (Affordable Housing Program). Messrs. Gulley, Brown, Hassen and Waller did not support Recommendation A. Mr. Bass supported Recommendation A. The recommendation was to delete Recommendation A. from the *Plan*.

Transportation: Recommendation A. 10. (Realigning Powhite Parkway Extend and proposed interchange in the Genito Road area). There was a consensus among the Commission to maintain this recommendation as drafted.

Levels of Service: Roads (Language suggested by the Planning Commission). Messrs. Gulley, Bass, Brown and Hassen did not support the Language. Mr. Waller supported the Language. The recommendation was to delete this Language from the *Plan*.

Levels of Service: Roads (Staff comments). There was a consensus among the Commission to maintain Staff comments as drafted.

Levels of Service: Schools (Language suggested by the Planning Commission). There was a consensus among the Commission to maintain the Language as drafted. The Commission held discussion on reducing the 120% of capacity to 110% of capacity. The Commission agreed that an additional public hearing was needed to discuss school capacity issues.

Levels of Service: Schools: Alternate Language (Suggested in the *Public Facilities Plan* update). Messrs. Gulley, Brown, Hassen and Waller did not support the Language. Mr. Bass supported the Language. The recommendation was to delete this Language from the *Plan*.

Levels of Service: Fire & EMS (Language from the draft *Public Facilities Plan*). Messrs. Gulley, Brown, Hassen and Waller did not support the Language. Mr. Bass supported the Language. The recommendation was to delete this Language from the *Plan*. Mr. Bowling stated that the Department of Fire & EMS was not supportive of establishing a

level of service standard for the Upper Swift Creek geography that was different from what was established for the entire County.

Environmental Quality: Recommendation A. - Land Use Plan. There was a consensus among the Commission to delete Land Use Plan section from the *Plan*. Mr. Waller stated that better management procedures were needed in maintaining the reservoir to balance the level of responsibility between the County and developers.

Environmental Quality: Recommendation A. - Effective Water Quality. There was a consensus among the Commission to maintain the modifications as drafted.

Environmental Quality: Recommendation B. – • (Develop measures to (i) ensure new development and (ii) the activities of both residential and commercial uses reduced their impacts on natural resources) and (i) and (ii)). There was a consensus among the Commission to maintain the modifications as drafted.

Environmental Quality: Recommendation F. – • (Develop site design standards and practices that minimize land disturbance and impervious cover, and preserve existing vegetation). There was a consensus among the Commission to maintain the modifications as drafted.

Land Use Categories: Residential (2.0 or less dwelling units per acre - for properties having less than 100 acres as of (date of adoption of this amendment)). There was a consensus among the Commission to delete references to minimum acreage from the *Plan*.

Land Use Categories: General Note: (Any residential zoning that does not adequately mitigate its impact on infrastructure and public facilities should be denied). There was a consensus among the Commission to maintain the General Note as drafted.

Land Use Categories: Alternate General Note: General Note (Any residential zoning that does not adequately mitigate its impact on infrastructure and public facilities should be deferred for the maximum time allowed by ordinance). There was a consensus among the Commission to delete this from the *Plan*.

Land Use Categories: Alternate General Note: General Note (Additional uses that enhances or expand the county's economic base would be appropriate, subject to conditions that mitigate the impacts of such uses on surrounding residential neighborhoods). There was a consensus among the Commission to maintain the General Note as drafted.

Land Use Categories: Mixed use communities. There was a consensus among the Commission to maintain the modifications as drafted.

Land Use Categories: Alternate language for mixed use communities. There was a consensus among the Commission to delete this from the *Plan*.

On motion of Mr. Bass, seconded by Dr. Brown, the Commission resolved to recommend approval of the *Upper Swift Creek Plan Amendments* with the approved and deleted items.

AYES: Messrs. Gulley, Bass, Brown, Hassen and Waller.

VIII. CODE AMENDMENTS RELATIVE TO PROTECTING WATER QUALITY IN THE UPPER SWIFT CREEK WATERSHED LID.



An Ordinance to amend the Code of the County of Chesterfield, 1997, as amended, by amending and re-enacting Section 8-6 of the Erosion and Sediment Control ("E&S") Ordinance, Sections 17-62 and 17-76 of the Subdivision Ordinance and Sections 19-58, 19-238, 19-301, and 19-514 of the Zoning Ordinance, and adding and enacting Section 19-513.1 of the Zoning Ordinance. The amendments relate to design and water quality standards in the Upper Swift Creek Watershed ("Watershed"), including the use of Low Impact Development ("LID") practices to reduce pollutant run-off and improve water quality of streams and the Swift Creek Reservoir. The Watershed consists of all land in Chesterfield County located upstream of the Swift Creek Reservoir Dam.



Mr. Richard McElfish presented an overview of the proposed ordinance amendment drafted to promote development that minimizes storm water pollutants, provides protection to critical natural systems and protects the water quality in area streams and the *Upper Swift Creek* Reservoir.

IX. & X. TREE SAVE & MASS GRADING



An Ordinance to amend the Code of the County of Chesterfield, 1997, as amended, by amending Sections 8-1 and 8-2 of the Erosion and Sediment Control Ordinance and Section 19-238 of the Zoning Ordinance and adding Sections 19-240, 19-240.1, 19-240.2, 19-240.3 and 19-240.4 of the Zoning Ordinance. The amendments relate to development standards and protection of natural resources in the Upper Swift Creek Watershed ("Watershed") which consists of all land in the County located upstream of the Swift Creek Reservoir Dam.



Mr. Flanigan presented proposed ordinances to implement the environmental quality recommendations of the Amendment to *Upper Swift Creek Plan Amendment*. The proposed amendments addressed mass grading to promote development standards that minimize urban stormwater pollutants and tree save to provide protection to critical natural features within the Swift Creek Reservoir Watershed.

Mr. Gulley opened the floor for public comments.

Mr. Dave Anderson noted concerns relative to the mass grading amendment, indicating its adverse affect on traditional neighborhood developments, and with utility relocation on Erosion and Sediment Control plans noting a timing issue relative to utility relocation.

Dr. Tom Pakurar supported the erosion and sediment control recommendations but felt requirements should be strengthened.

Mr. Will Shewmake indicated the tree save amendment was unclear on intent and purpose and that the LID studies were inconclusive.

Mr. James Shelton supported the mass grading and tree save amendments, noting that tree preservation and phased grading lower phosphorus levels.

Mr. Andy Scherzer noted the tree save amendments required more discussion; that protection of sensitive features is too restrictive for smaller developments; that LID should provide alternatives to curb and gutter requirements; and that the building setbacks from RPA areas should not be increased without supporting documentation.

Dr. Betty Hunter-Clapp supported all proposed amendments noting construction activities can result in damage to water quality.

Mr. Mark Huffman opposed reducing parking requirements relative to satisfying business customer demands; opposed use of pervious materials relative to high failure rate and increased liability; and recommended removing lead regulations from the amendment.

Mr. Bobby Schaffer opposed the tree save amendment and noted LIDs' required more data.

Mr. Brennan Keene noted that the proposed amendments could possibly impact development outside of the Upper Swift Creek area and that discussions should be conducted Countywide should such regulations be extended.

There being no one else to speak, Mr. Gulley close the public comments.

Mr. Waller directed staff to present additional information on Lead Requirements as it Relates to the Zoning Ordinance and the Impact of Vesting Requirements as it Relates to the State Standards with Respect to the Watershed Phosphorous Load Prediction for the June 17, 2008 Planning Commission work session.

In Section 17-16. Arrangement. Mr. Gulley requested to change the word "practices" to "measures". There was a consensus among the Commission to delete Section 19-513.1 and 19-514(d)(1) relative to overflow parking.

On motion of Mr. Bass, seconded by Mr. Hassen, the Commission resolved to recommend approval of the following Code Amendments to exclude Sections 19-513.1 relative to required parking spaces and 19-514(d)(1) relative to overflow parking:

(1) That Sections 8-6, 17-62, 17-76, 19-58, 19-238, 19-301, and 19-514 of the Code of the County of Chesterfield, 1997, as amended, are amended and re-enacted to read as follows:

Chapter 8

EROSION AND SEDIMENT CONTROL

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Sec. 8-6. Erosion and sediment control plans.

(e) For construction sites that are adjacent to sensitive environmental features such as RPAs, wetlands and floodplains, the approved plan may incorporate additional measures required by the director of environmental engineering to adequately prevent sediment from entering those resources. In addition, the director of environmental engineering will require additional measures other than the minimum standards contained in the Virginia Erosion and Sediment Control Handbook if it is determined that such measures are necessary for protection of sensitive environmental features and/or water resources within the Upper Swift Creek Watershed. At a minimum the measures will consist of (i) enhanced perimeter protection (ii) utility relocations as part of an approved erosion and sediment control plan and (iii) monthly submittal of an erosion and sediment control report for sites over five acres.

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Chapter 17

SUBDIVISION OF LAND

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Sec. 17-62. Standard Conditions.

(f) A 25-foot minimum setback shall be provided from wetlands. In the Upper Swift Creek Watershed, all new construction and substantial improvements of residential dwellings shall be set back at least 35 feet horizontal distance from the outer most boundary of the wetlands.

(g) A 25-foot minimum setback shall be provided from conservation areas. In the Upper Swift Creek Watershed, all new construction and substantial improvements of residential dwellings shall be set back at least 35 feet horizontal distance from the outer most boundary of the Resource Protection Areas and 100-year floodplains where the contributing drainage area exceeds 100 acres.

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Sec. 17-76. Arrangement.

(j) Curb and gutter shall be required on all local streets in all subdivisions, where the average lot has less than 100 feet of street frontage. In the Upper Swift Creek Watershed, roadside ditches shall be required on all local streets in all subdivisions where the average lot frontage is 90 feet or more, provided, however, that the director of environmental engineering may approve the use of curb and gutter where the average lot frontage exceeds 90 feet if LID measures are used to address stormwater runoff from street surfaces. These calculations excludes those lots fronting on the radial terminus of a cul-de-sac. Curb and gutter installation may be waived, in whole or in part, by the director of planning or planning commission to preserve the existing neighborhood local street drainage method.

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Chapter 19

ZONING

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Sec. 19-58. Floodplain regulations.

a. *General provisions.*

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(7) All new construction and substantial improvements of nonresidential structures and accessory buildings within the floodway fringe shall either: have a minimum floor level of 12 inches above the base flood elevation; or together with attendant utility and sanitary facilities, be designed to be watertight at least 12 inches above the base flood elevation with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. In the Upper Swift Creek Watershed all new construction and substantial improvements of nonresidential structures and accessory buildings shall be located outside the floodway fringe and shall be set back at least 25 feet horizontal distance from the outermost boundary of the base flood area, wetlands,

Resource Protection Areas and 100-year floodplains where the contributing drainage area exceeds 100 acres, provided however, that when LID practices as determined by the director of environmental engineering are used adjacent to wetlands, floodplains and Resource Protection Areas the setback may be reduced to 5 feet.

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Sec. 19-238. Development regulations.

Any use, development or redevelopment of land in the Upper Swift Creek Watershed shall meet the following performance criteria:

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- (d) (1) Stormwater runoff shall be controlled to achieve the following:
- a. For any new use or development, the post-development, nonpoint-source pollution runoff loads of phosphorous and lead shall not exceed the following:
 - (i) Phosphorus:
 - 1. The post-development total phosphorus load for residential uses located in areas identified in the Midlothian Area Community Plan for low density residential (1.01 to 2.0 units per acre), in the Route 288 Corridor Plan for Residential (1 to 2.0 dwellings per acre), and in the Upper Swift Creek Plan for single family residential (2.0 units/acre or less), shall not exceed 0.22 pounds per acre per year.
 - 2. The post-development total phosphorus load for all other uses shall not exceed 0.45 pounds per acre per year.
 - (ii) Lead:
 - 1. The post-development total lead load for nonresidential uses and residential uses at a density greater than 2.0 units per acre located in areas identified for such uses in the comprehensive plan shall not exceed 0.19 pounds per acre per year.
 - 2. The post-development total lead load for all other uses shall not exceed 0.03 pounds per acre per year.
 - b. For redevelopment sites not currently served by water quality best management practices, the existing nonpoint-source pollution runoff loads of phosphorus and lead shall be reduced by at least ~~ten~~ thirty (30%) percent after redevelopment however, the loads of such elements need not be reduced below the levels set forth in subsection (d)(1)a.
 - c. For redevelopment sites currently served by water quality best management practices, the post-development, nonpoint-source pollution runoff loads of phosphorus and lead ~~shall not exceed the existing loads or the loads set forth in subsection (d)(1)a, whichever are greater.~~ shall be reduced by at least twenty percent (20%); however, the loads of such elements need not be reduced below the levels set forth in subsection (d)(1)a.

- (2) Compliance with the requirements of subsection (d)(1) shall be achieved on site through incorporation of best management practices including Low Impact Development practices that achieve the required control, unless the director of environmental engineering determines that one of the following storm water management options has been satisfied.
- a. Mitigation measures approved by the director of environmental engineering in conjunction with the plan approval process. Mitigation measures may include, but are not limited to, the following: (i) construction of BMP's on or off-site, (ii) retrofitting an existing BMP on or off-site, (iii) stream or buffer enhancements or restoration, (iv) purchasing of credits from owners of other property in the watershed when best management practices on the other property exceed the required control, (v) use of perpetual conservation or open space easements, and (vi) if the foregoing mitigation measures are not adequate to achieve the required control, payment to the County of cash sufficient to achieve the required control through other mitigation measures as determined by the director of environmental engineering. Mitigation measures shall be approved by the director of environmental engineering only when: (i) the proposed mitigation measures are located within the Upper Swift Creek Watershed, (ii) the proposed mitigation measures are sufficient to achieve the required control, and (iii) the applicant provides an engineer's certification that there is no viable means of sufficiently achieving the required control on site. Unless otherwise determined by the director of environmental engineering, mitigations measures shall be located in the same subwatershed of the Upper Swift Creek Watershed.
 - b. Property that the director of planning has determined to be vested as to the right to comply with the required control through pro rata payments for regional BMPs pursuant to Article VI of chapter 12 repealed February 14, 2007, shall achieve compliance through (i) a pro rata payment equal to what would have been required under chapter 12, which shall be used for mitigation measures in the watershed as determined by the director of environmental engineering, (ii) compliance with the other provisions of 19-238(d)(2), or (iii) a combination thereof. In any event, however, even vested properties shall achieve a minimum total phosphorus load of 0.45 pounds per acre per year as required by Chesapeake Bay Preservation Act regulations.
 - c. Compliance with a state or locally implemented program of stormwater discharge permits pursuant to section 402(p) of the federal Clean Water Act, as set forth in 40 CFR 122, 123, 124 and 504, dated December 7, 1988.
 - d. For a redevelopment site that is completely impervious as currently developed, restoring a minimum of 20 percent of the site to vegetated open space.
- (e) Every application for a rezoning, conditional use, conditional use planned development, and conditional zoning in the Upper Swift Creek Watershed shall include a natural resource inventory for the proposed development site except as set forth below. The natural resource inventory is a planning level tool used for the analyses of the project area to enable future development the opportunity to incorporate stormwater mitigation and conservation designs while avoiding sensitive environmental features for the protection of their role as it relates to water quality. The information may be used for the project's overall stormwater management plan and should protective measures or non-structural stormwater practices be found beneficial to water quality and acceptable in the form

of a proffered condition, the director of environmental engineering at construction plan or site plan review may credit the resulting stormwater benefits towards the project's required pollutant load reduction.

- (1) The following development projects are exempt from the requirement to provide a natural resource inventory:

 - a. Any disturbance less than an area of 2,500 feet;
 - b. Single family residential dwelling that is not part of a subdivision; and
 - c. Construction of water, sewer, natural gas, underground telecommunications and cable television lines, railroads, or public roads.
- (2) The natural resource inventory shall be drawn to scale clearly delineating the following components:

 - a. Nontidal wetlands connected by surface flow and contiguous to tidal wetlands or water bodies with perennial flow;
 - b. A 100-foot buffer area located adjacent to and landward of the components listed in item a. above, and along both sides of any water body with perennial flow;
 - c. Nontidal wetlands not included in item a. above;
 - d. 100-year floodplains as designated in section 19-57;
 - e. Slopes 25 percent or greater;
 - f. Hydrologic soil groups;
 - g. Threatened and endangered species;
 - h. Transaction screen;
 - i. Greenways;
 - j. Abandoned or existing mines or quarries;
 - k. Historical, archeological, or cultural features; and
 - l. Any other sensitive environmental feature specific to the site.
 - m. Highly erodible soils.
- (3) A narrative describing the location, density, plant species and condition of the vegetation on the site shall be provided with the natural resource inventory.

- (4) The natural resource inventory shall be certified as complete and accurate by a person or firm qualified to make the inventory.
- (f) The use of Low Impact Development site planning and practices shall be encouraged to reduce pollutants and control stormwater runoff at the source.
 - (1) The design criteria, hydrologic analysis, and calculation procedures for LID practices shall be as published by the Chesterfield County, department of environmental engineering.
 - (2) Storm drainage easements shall be recorded to identify locations of LID practices on lots or parcels. The property owner shall not remove or alter the function of LID practices without prior written approval from the director of environmental engineering.
- (e g) If the best management practices that are used require regular or periodic maintenance in order to continue their functions, maintenance shall be ensured by a maintenance/easement agreement, bond or other assurance satisfactory to the director of environmental engineering; and
- (f h) Land on which agricultural activities are being conducted shall have a soil and water quality conservation plan approved by the James River Soil and Water Conservation District. Such plan shall be based on the Field Office Technical Guide of the U.S. Farm Service Agency Soil Conservation Service and accomplish water quality protection consistent with this section.

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Sec. 19-301. Definitions.

For the purposes of this chapter, the following words and phrases shall have the following meanings:

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Low Impact Development (LID): A design strategy with the goal of maintaining or replicating the pre-development hydrologic regime through the use of design techniques to create a functionally equivalent hydrologic site design. Hydrologic functions of storage, infiltration and ground water recharge, as well as the volume and frequency of discharges are maintained through the use of integrated and distributed micro-scale stormwater retention and detention areas, reduction of impervious surfaces, and the lengthening of runoff flow paths and flow time. Other strategies include the preservation/protection of environmentally sensitive site features such as riparian buffers, wetlands, steep slopes, valuable (mature) trees, flood plains, woodlands, and highly permeable soils.

Transaction Screen: A standardized approach to environmental due diligence that provides a generally acceptable degree of confidence about the environmental condition of the property. The study includes a search of governmental databases and a review of regulatory agency records describing any detailed environmental investigations which may have occurred on the property. It also includes a questionnaire concerning the environmental history of the property and a site visit to observe site conditions on and around the property.

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Secs. 19-514. Design standards for off-street parking.

(d) *Surface treatment.*

- (1) With the exception of: (i) single-family residential and farm uses; (ii) areas where track-mounted equipment is stored or displayed; (iii) property in 1-2 and 1-3 Districts; (iv) areas for the storage of customer vehicles in motor vehicle storage/towing lots; or (v) unpaved overflow parking areas, driveways and parking areas shall be paved with concrete, bituminous concrete or other similar material. Except in 1-2 and 1-3 Districts, surface-treated parking areas and drives shall be prohibited. Areas where track mounted equipment is stored or displayed and areas for the storage of customer vehicles in motor vehicle storage/towing lots shall have a minimum surface of six inches of No. 21 or No. 21A stone.

Except as detailed in the Environmental Engineering Department's Reference Manual, concrete curb and gutter shall be installed around the perimeter of all paved driveways and parking areas. Other curbing material of similar quality, such as brick or cobblestone, may be permitted through site or schematic plan review. In the Upper Swift Creek Watershed, an alternative means of defining pavement edges as determined by the director of environmental engineering may be substituted for curb and gutter when Low Impact Development practices are used. Drainage shall be designed so as not to interfere with pedestrian traffic.

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- (2) *That these ordinances shall become effective immediately upon adoption.*

AYES: Messrs. Gulley, Bass, Brown, Hassen and Waller.

The Commission requested additional information on the Code Amendments Relative to Protection Water Quality in the *Upper Swift Creek Watershed* - "Mass Grading" and "Tree Save" and therefore deferred those items to the July 15, 2008 public hearing.

On motion of Dr. Brown, seconded by Mr. Bass, the Commission resolved to defer consideration of the proposed amendment to the Ordinance relating to water quality in the *Upper Swift Creek Watershed* - "Mass Grading" to July 15, 2008, Planning Commission public hearing.

AYES: Messrs. Gulley, Bass, Brown, Hassen and Waller.

On motion of Dr. Brown, seconded by Mr. Bass, the Commission resolved to defer consideration of the proposed amendment to the Ordinance relating to water quality in the *Upper Swift Creek Watershed* - "Tree Save" to July 15, 2008, Planning Commission public hearing.

AYES: Messrs. Gulley, Bass, Brown, Hassen and Waller.

Mr. Gulley asked staff to advertise a public hearing for July 15, 2008 to consider establishing a maximum capacity level or 110% for schools Countywide.

On motion of Mr. Gulley, seconded by Dr. Brown, the Commission set a public hearing July 15, 2008, at 7:00 p.m., to discuss Level of Service for schools maximum capacity level of 110% Countywide.

AYES: Messrs. Gulley, Bass, Brown, Hassen and Waller.

On motion of Mr. Gulley, seconded by Mr. Hassen, the Commission cancelled the June 19, 2008, work session.

AYES: Messrs. Gulley, Bass, Brown, Hassen and Waller.

On motion of Mr. Gulley, seconded by Mr. Hassen, the Commission cancelled the June 26, 2008, special meeting.

AYES: Messrs. Gulley, Bass, Brown, Hassen and Waller.

On motion of Mr. Gulley, seconded by Dr. Brown, the Commission cancelled the July 17, 2008 public hearing.

AYES: Messrs. Gulley, Bass, Brown, Hassen and Waller.

Mr. Turner extended congratulations to the Planning Commission and staff for their dedication, commitment, flexibility and countless hours given to the completion of the *Upper Swift Creek Plan Amendment*.

XI. CITIZEN'S COMMENTS ON UNSCHEDULED MATTERS INVOLVING THE SERVICES, POLICIES AND AFFAIRS OF THE COUNTY GOVERNMENT REGARDING PLANNING OR LAND USE ISSUES.

There were no citizen comments.

XII. ADJOURNMENT.

There being no further business to come before the Commission, it was on motion of Dr. Brown, seconded by Mr. Bass, that the meeting adjourned at 12:00 a.m. to June 17, 2008, at 12:00 Noon in the Multipurpose Meeting Room of the Chesterfield County Community Development Building, 9800 Government Center Parkway, Chesterfield, VA.

AYES: Messrs. Gulley, Bass, Brown, Hassen and Waller.

Chairman/Date

Secretary/Date